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FOLEY AND LARDNER LLP			LE, BRIAN Q	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,594	FUJII ET AL.	
	<b>Examiner</b> Brian Q. Le	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 25 July 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/25/2007 has been entered.

***Response to Amendment and Arguments***

2. The rejection of claims 10, 13, and 15-16 under 35 U.S.C. 112, 1<sup>st</sup> paragraph is withdrawn.

3. Applicant's arguments with regard to claims 1-16 have been fully considered, but are not considered persuasive because of the following reasons:

Regarding claim 1, the Applicant argues (page 8 of the Remarks) Nagasaki et al. U.S. Patent No. 6,278,797 ("Nagasaki") does not disclose the amended limitation "...when the inspection window is displayed with respect to the image area corresponding to each land...". The Examiner respectfully disagrees. Nagasaki discloses this concept at FIG. 43, P70; FIG. 47, P3003, P3005, P3006; FIG. 50; column 3, lines 55-61; column 4, lines 41-45; and column 6, lines 50-67 wherein the inspection window is set/defined/positioned in corresponding to each land of the image area. The Applicant further argues (page 8 of the Remarks) that Nagasaki does not suggest the correcting of inspection windows so as to appropriately correspond to the parts on a board to be inspected. The Examiner again respectfully disagrees. As indicated in the Final Office Action dated 05/10/2007, the Examiner had clearly explained the Nagasaki's disclosure of

correcting of inspection windows, that is a concept of preparing a land size window to reflect the area or dimension of a land of a board (column 3, lines 55-61). If the Applicant would like the Examiner to interpret the concept of correction inspection windows different from Nagasaki's disclosure, then the Applicant is advised to further elaborate/specify the claim's language to narrow the limitation's interpretation (see MPEP 2111).

Regarding claims 11-14, the Applicant argues (page 9 of the Remarks) that Nagasaki does not disclose the image picked up from the model of the board on which no parts have been mounted. The Examiner respectfully disagrees. Image picked up from the model of the board, which can be a picked up reference image (master image), would have no parts mounted since it is an already existed image (column 4, lines 42-60 and column 14, line 50).

Regarding claims 15-16, the Applicant argues (page 10 of the Remarks) that Nagasaki does not discloses increasing or decreasing an image area corresponding to each land or a board to be inspected. The Examiner respectfully disagrees. Nagasaki teaches this limitation at FIG. 25, S204; column 28, line 67 and column 31, lines 32-57.

The Examiner believes that all the arguments of the Applicant have been properly addressed and explained. Thus, the rejections of all of the claims are maintained.

***Claim Rejections - 35 USC § 112***

4. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 11, the original disclosure does not disclose the concept of "... the inspection window is corrected using the

image picked up from the model of the board on which no parts have been mounted.” The Applicant is required to indicate citation (page number and line number) of the disclosure of the limitation. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8, 10-11, and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagasaki et al. U.S. Patent No. 6,278,797.

Regarding claim 1, Nagasaki teaches a method of producing inspection data (method produces inspection information) (column 5, lines 10-13) for inspecting (column 1, lines 7-10) a parts-mounted board (land-attached circuit board) (column 15, line 17 and FIG. 1A) by image processing (column 23, lines 43-50), comprising:

reading inspection data corresponding to each part (prepare inspection data for each land for comparison) (column 3, line 55 to column 4, line 3) on a board (FIG. 1A) constituting an object of inspection from a parts library produced in advance (image of a land can be prepared in advance) (column 23, lines 49-51);

setting the inspection data at the mounting position of the part (land region fixing means to set/prepare mounting position data such as height of the lands for inspection) (column 5, lines 4-16 and column 23, lines 53-55);

detecting an image area corresponding to each land on an image picked up from a model of the board constituting the object of inspection (input images of the land object to compare with master image for inspection) (column 23, lines 43-65); and

based on the detection result (base on result to define whether the inspection if good or defective by a defined tolerance) (column 24, lines 20-53), automatically (the system is constructed to calculate the window on its own) (column 6, lines 50-55) correcting the set data (concept of preparing a land size to reflect area or dimension of a land of a board) (column 3, lines 55-61) (column 7, lines 10-12 and FIG. 12A-FIG. 12B) for setting an inspection window (column 6, lines 50-57) included the read inspection data, when the inspection window is displaced with respect to the image area corresponding to each land (FIG. 43, P70; FIG. 47, P3003, P3005, P3006; FIG. 50; column 3, lines 55-61; column 4, lines 41-45; and column 6, lines 50-67 wherein the inspection window is set/defined/positioned in corresponding to each land of the image area), so that the inspection window is adapted for inspection of the board (to prepare for inspection area of the land of the board) (column 3, lines 55-61 and column 4, lines 4-41) (column 21, lines 4-25).

Regarding claim 2, Nagasaki also teaches an inspection data producing method (as discussed in claim 1) wherein the step of detecting the image area corresponding to said the land (column 23, lines 45-50), comprises:

retrieving the position of the land edges with reference (position data  $X_{ABS}$ ,  $Y_{INC}$  obtained for each scanning point of the surface of land would include the position of the land edges since the laser beam scans the entire surface of land) (column 4, lines 35-38; column 18, lines 46-49; column 19, lines 42-45 and FIG. 12B) to a solder (column 14, lines 33-40) inspection window (FIG. 12B) based on the set data before correction on the image of the model (base on inspection information before inspection and thus correction of image) (FIG. 25, S201).

Referring to claim 3, Nagasaki further teaches an inspection data producing method (as discussed in claim 1), wherein, in accordance with the correction of the set data (FIG. 5, element 94b and 94c and FIG. 25, S202, S203, S204) of the inspection window (FIG. 43, P10), inspection reference data corresponding to the corrected inspection window is corrected (FIG. 10 and column 21, lines 4-25).

Regarding claim 4, Nagasaki discloses an inspection data producing method (as disclosed in claim 1), wherein, using the corrected inspection data for a predetermined part (predetermined value/predetermined condition of part of each land for inspection purpose) (column 5, lines 7-8 and column 8, line 35) on the board (standard data as predetermined part on a land/board) (FIG. 9), the inspection data for the parts of the same type as the predetermined part is corrected (corrected/calculated the predetermined part/standard data/properties of land part) (FIG. 9; FIG. 19; column 24, lines 50-59 and column 26, lines 1-14).

For claim 5, Nagasaki also discloses an inspection data producing method (as discussed in claim 1), wherein the inspection data shared by the parts (standard data which are use for common inspection purpose of land such as land area, land diameter ...etc) (FIG. 9) is produced using the inspection data corrected for the same type of parts (corrected/calculated the

Art Unit: 2624

standard/predetermined part/standard data/properties which are the same type of parts in inspecting land) (FIG. 9; FIG. 19; column 24, lines 50-59 and column 26, lines 1-14) on the board, and the inspection data for each part is rewritten (storing is writing in a memory, therefore for every time that storing is done after judgement, it is rewriting the data to the memory) into the common inspection data (storing standard inspecting data/same type of parts of land) (column 27, line 60 to column 28, line 8).

Referring to claim 6, Nagasaki further discloses an inspection data producing method (as discussed in claim 1), further comprising the step of:

rewriting the parts library or producing a new parts library (corrected data wherein producing new parameters for inspection if the standard inspection is not adequate for inspect processing) (FIG. 10; FIG. 25, S202, S203, S204) for a predetermined part using the corrected inspection data (column 21, lines 4-25 and column 31, lines 52-54).

Regarding claim 7, as discussed in claim 1 regarding the correction means based on the detection result, Nagasaki further teaches a board inspection apparatus (column 1, lines 7-12) comprising:

image input means (CCD camera) (column 34, line 17) for inputting an image picked up of a board (column 23, lines 43-47);

data file producing means (FIG. 19) for producing an inspection data file required for inspection of a board to be inspected (table of inspection data which is required for board/land inspection) (column 28, lines 10-15), by reading the inspection data corresponding to each part from a parts library (memory that stores inspection data commonly such as master image)(column 31, lines 48-52) and setting the inspection data on a mounting position of the

part (land region fixing means to set/prepare mounting position data such as height of the lands for inspection) (column 5, lines 4-16 and column 23, lines 53-55);

land inspection means for receiving an input model image of a corresponding board (the process of retrieving master image) (column 23, lines 50-65) after complete production of the inspection data file and detecting an image area corresponding to a land on the image (after the generation of standard data of master image of each corresponding land) (column 3, lines 55 to column 4, line 3; column 4, lines 23-37; and column 23, lines 43-50); and

registration means for registering in a memory (storing data to a memory) (column 19, lines 24-30) the inspection data file including the corrected set data (store corrected data) (column 19, lines 24-26).

Regarding claim 8, Nagasaki teaches a board inspecting apparatus wherein the memory corresponds to the parts library (FIG. 19 and column 19, lines 24-32).

For claim 10, Nagasaki teaches a board inspecting apparatus wherein, when the inspection window has been corrected using an image of the board in which no parts are mounted thereon (correct using master image on the existing regions of land) (column 4, lines 21-41 and column 23, lines 43-67),

The image input means images a second board on which parts are mounted thereon (processing image of each land would include image input a second board/picture elements which parts are mounted) (column 21, lines 15-25),

Wherein, based on the imaging the second model of the board, the registration means only registers the inspection data file after making a determination that the corrected inspection

data is proper (The process of checking whether the coordinates, geometric center of gravity or area is proper to a certain threshold value) (column 22, lines 46-67).

For claim 11, Nagasaki also teaches a board inspecting apparatus wherein the inspection window is corrected using the image picked up from the model of the board on which no parts have been mounted (correct using master image on the existing regions of land) (column 4, lines 21-41 and column 23, lines 43-67) (reference image/master image would have no parts mounted since it is an already existed image at column 4, lines 42-60 and column 14, line 50).

For claims 13-14, please refer back to claims 10-11 respectively for further teachings and explanations.

Regarding claims 15-16, Nagasaki teaches an inspection data producing method wherein the inspection data is automatically corrected (calculation by the system) when the image area corresponds to each land on the model of the board has been either increased or decreased with respect to the read inspection data (column 23, lines 43-67) (FIG. 25, S204; column 28, line 67 and column 31, lines 32-57).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaki et al. U.S. Patent No. 6,278,797.

Regarding claim 9, Nagasaki teaches a board inspecting apparatus (as discussed in claim 7) wherein the inspection data includes luminance (reflectance) and brightness values of color light shined on the part on mounted on the board (column 3, lines 17-38). Nagasaki does not explicitly teach that color light can be Red, Green and Blue. The Examiner take an Office Notice that it is obvious for color light to be described in an well known color system such as Red, Green, and Blue (RGB) color system. Thus it would have been obvious for one skilled in the art to use RGB color system as a modification to Nagasaki to describe luminance and brightness values of color light shined on the part when mounted on the board.

For claim 12, please refer back to claim 9 for further teachings and explanations.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian Le  
August 7, 2007